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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

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12 ALYSSA IRENE GORHAM, an individual;

Case No.

13 Plaintiff,

**TEMPORARY
RESTRAINING ORDER**

14 vs.

15 MICHAEL STEPHENS, an individual,

16 Defendants.
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20 UPON CONSIDERATION of the Motion filed by Plaintiff, ALYSSA IRENE GORHAM,
21 requesting a temporary restraining order and injunction requiring Defendant, MICHAEL STEPHENS,
22 to immediately cease and desist all use of Plaintiff's FORTUNE AFFAIRS and ALYSSA IRENE
23 and/or similar or derivative trademarks and names including, but not limited to, <fortuneaffairs.com>
24 <alyssairene.com> and <alyssafortune.com>, the supporting memorandum of points and authorities,
25 the supporting Declarations, the record in this case, and for other good cause shown:

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1 THE COURT HEREBY FINDS THAT:

2 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a).
3 This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §
4 1367(a);

5 2. This Court has personal jurisdiction over Defendant based upon the following: (a) he
6 resides in Las Vegas, Nevada where he operates his "human awareness" and "self-help" consultation
7 services; (b) Defendant has obtained the domain names containing the Plaintiff's personal and
8 business names and linked them to websites showing a stolen photograph of Plaintiff and negative
9 language concerning Plaintiff; and (c) Defendant knew or should have known that his tortious acts
10 would cause injury to Plaintiff in the State of Nevada;

11 3. Plaintiff's legal name is ALYSSA IRENE GORHAM. Plaintiff has made extensive use
12 of the FORTUNE AFFAIRS marks in relation to event planning services and marketing materials, and
13 has obtained a Nevada State registration for FORTUNE AFFAIRS;

14 4. Defendant registered domain names incorporating Plaintiff's legal and business names
15 including: <fortuneaffairs.com> <alyssairene.com> and <alyssafortune.com>;

16 5. Defendant has linked these domain names to a website displaying negative information
17 concerning the Plaintiff, and which invites others to submit negative information to the website's
18 operator – the Defendant;

19 6. Plaintiff will suffer irreparable injury if the Court does not require Defendant to cease
20 and desist use of the Plaintiff's name and marks and to immediately remove any and all content
21 concerning the Plaintiff displayed on the websites connected to the domain names at issue;

22 7. Plaintiff has demonstrated a likelihood of success on the merits of her Cybersquatting
23 claim under 15 U.S.C. 1125(d), and her Nevada State trademark infringement claim; and

24 8. There is no likelihood of harm to the public from the temporary restraining order now
25 being granted;

26 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application
27 for Temporary Restraining Order is hereby GRANTED.

28 IT IS FURTHER ORDERED that Defendant will immediately cease and desist any and all use

1 of Plaintiff's name and trademarks and any and all variants thereof including but not limited to
 2 ALYSSA IRENE GORHAM and FORTUNE AFFAIRS, and <fortuneaffairs.com> <alyssairene.com>
 3 and <alyssafortune.com>.

4 IT IS FURTHER ORDERED that pursuant to 15 U.S.C. § 1125(d)(1)(C), the domain names
 5 <fortuneaffairs.com> <alyssairene.com> and <alyssafortune.com> shall be immediately locked by the
 6 Registrar and/or its successor registrars and transferred to Plaintiff.

7 IT IS FURTHER ORDERED that Defendant shall file, pursuant to 15 U.S.C. § 1116(a), with
 8 this Court and serve upon Plaintiff within thirty (30) days after entry of this Order, a report in writing
 9 under oath setting forth in detail the manner and form in which Defendant has complied with this
 10 Court's Order; and

11 IT IS FURTHER ORDERED that Plaintiff shall post a nominal bond of \$100.00 because the
 12 evidence indicates that Defendant will only suffer minimal, if any, damage by the issuance of this
 13 temporary restraining order.

14 **ORDER SETTING HEARING FOR PRELIMINARY INJUNCTION**

15 UPON CONSIDERATION of Plaintiff's Motion, the Memorandum of Points and Authorities,
 16 the supporting declarations and exhibits, the papers and pleadings on file in this matter and for good
 17 cause shown;

18 1. The Court hereby sets the hearing for Plaintiff's Motion for Preliminary Injunction on
 19 August 8, 2013, at 11:00 a.m. in Courtroom 6A at the Lloyd D. George
 20 United States Federal Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

21 2. Further, the Court hereby sets the following briefing schedule relating to Plaintiff's
 22 Motion:

23 (a) Defendant shall file and serve opposition papers, if any, no later than Aug 1,
 24 2013; and

25 (a) Plaintiff shall file and serve her reply brief, if any, no later than 12:00 p.m. on
 26 8/6, 2013.

27 3. In addition, to ensure Defendant receives timely notice of the hearing, given that
 28 Defendant must maintain accurate contact information with the domain name registrar, Plaintiff may,

1 in addition to the requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure, serve
2 the Motion, this Order and all other pleadings filed to date on Defendant by electronic mail
3 transmission.

4 DATED: July 26, 2013.

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UNITED STATES DISTRICT JUDGE

8 Dated: July 26, 2013 at 2:15 p.m.
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10 Respectfully submitted by:

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13 GREENBERG TRAURIG, LLP

14 /s/ Laraine M. I. Burrell
15 _____
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